

a third step in which a plurality of sets of detection information corresponding to said plurality of inspection conditions are generated based upon an image of the surface formed by condensing at least one of specific diffracted light and scattered light from the surface of the test piece under each of said plurality of different inspection conditions;

B)
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a fourth step in which a logical OR of said plurality of sets of detection information is obtained; and

a fifth step in which a decision is made as to whether or not said pattern at the surface of the test piece is acceptable based upon results of the logical OR.

11. (Amended) A recording medium having recorded therein a program employed in a surface inspection apparatus that conducts an inspection of a pattern formed at a surface of a test piece, said program comprising:

B
a first instruction for setting a plurality of different inspection conditions;
a second instruction for detecting light originating from the surface of the test piece by irradiating illumination light onto the surface of the test piece under each of said plurality of inspection conditions;

a third instruction for generating a plurality of sets of detection information corresponding to said plurality of inspection conditions based upon an image of the surface formed by condensing at least one of specific diffracted light and scattered light from the surface of the test piece under each of said plurality of different inspection conditions;

a fourth instruction for obtaining a logical OR of said plurality of sets of detection information; and

a fifth instruction for making a decision as to whether or not said pattern at the surface of the test piece is acceptable based upon results of said logical OR.

12. (Amended) A data signal embodied in a carrier wave comprising a program employed in a surface inspection apparatus that conducts an inspection of a pattern formed at a surface of a test piece, said program comprising:

a first instruction for setting a plurality of different inspection conditions;

a second instruction for detecting light originating from the surface of the test piece by irradiating illumination light onto the surface of the test piece under each of said plurality of inspection conditions;

a third instruction for generating a plurality of sets of detection information corresponding to said plurality of inspection conditions based upon an image of the surface formed by condensing at least one of specific diffracted light and scattered light from the surface of the test piece under each of said plurality of different inspection conditions;

a fourth instruction for obtaining a logical OR of said plurality of sets of detection information; and

a fifth instruction for making a decision as to whether or not said pattern at the surface of the test piece is acceptable based upon results of said logical OR.

REMARKS

Claims 1 and 3-12 are pending. By this Amendment, claims 1, 11 and 12 are amended. No new matter has been added. Reconsideration in view of the above amendments and following remarks is respectfully requested. The attached Appendix includes a marked-up copy of the rewritten claims (37 C.F.R. §1.121(c)(1)(ii)).

I. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

A. The Office Action rejects claims 1, 2, 5, 7 and 11-12 under 35 U.S.C. §103(a) over U.S. Patent 4,881,268 to Uchida. This rejection is respectfully traversed.

Uchida fails to teach or suggest all of the features recited in claims 1, 11 and 12. In particular, Uchida does not teach or suggest a surface inspection method for inspecting